

REMARKS

Summary of the Office Action

Claims 1-16, and 19-20 are pending.

Claims 1-16 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 6,273,908 to Ndondo-Lay (hereinafter "Ndondo-Lay").

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ndondo-Lay in view of U.S. Patent No. 6,520,984 to Garrison et al. ("hereinafter "Garrison").

Summary of Response

Claims 1 and 16 have been amended to more particularly point out and distinctly claim inventive subject matter.

The rejections under 35 U.S.C. § 102(b) and § 103(a) are respectfully traversed.

Rejections Under 35 U.S.C. § 102(b)

Claim 1 was directed to a vascular prosthesis including a proximal section in the form of a helix. To this end, claim 1 recited that the proximal section comprised "a plurality of helical turns." During examination, the claims are given their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." See MPEP 2111. It is respectfully submitted, that the broadest reasonable interpretation of a proximal section comprising a plurality of helical turns is that the proximal section is a helix having multiple loops as shown in Figs. 1A & B, 2, 3, 7A-C, 8A & B, and 9A & B of the present application. Nevertheless, claim 1 has been amended herein to recite that the proximal section of the vascular prosthesis comprises "a helix having a plurality of helical turns." That is, the proximal section is a helix that wraps around multiple times.

Ndondo-Lay clearly does not disclose a section comprising a helix. It is respectfully submitted, therefore, that Ndondo-Lay is distinguished by claim 1, as well as by claims 2-15 which depend therefrom.

Amended claim 16 recites that the prosthesis comprises inter alia “a proximal section comprising a helix having a plurality of helical turns.” As discussed above, this feature of claim 16 is not disclosed by Ndondo-Lay. Therefore, the cited reference is distinguished by claim 16, as well as by claims 19 and 20 which depend therefrom.

Accordingly, it is respectfully requested that the rejections of claims 1-16 and 19 under 35 U.S.C. § 102(b) as being anticipated by Ndondo-Lay be reconsidered and withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Claim 20 depends from claim 16, which distinguishes over Ndondo-Lay for at least the reasons provided above. It is respectfully submitted, that Garrison does not disclose features of claim 16 that are missing from Ndondo-Lay. Because the combination of Ndondo-Lay and Garrison cannot teach every limitation of claim 20, the claim clearly distinguishes the proposed combination of references.

Accordingly, it is respectfully requested that the rejection of claim 20 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ndondo-Lay and Garrison be reconsidered and withdrawn.

Reason for Amendment

It is respectfully requested that the present amendment be entered and considered. The amendment merely makes the meaning of the claim language more explicit, without significantly changing the scope of the amended claims. Prior to amendment, claims 1 and 16 claim a stent

having, *inter alia*, “a proximal section comprising a plurality of helical turns.” The plain meaning of this language is that the proximal section has the form of a helix having multiple turns or loops. However, references have been cited as reading on the claimed ‘plurality of helical turns,’ because the reference shows multiple short helical segments. All of the cited segments are significantly less than one full turn of a helix and clearly do not form a plurality of helical turns. Nevertheless, claims 1 and 16 have been amended to explicitly require “a proximal section comprising a helix having a plurality of helical turns.”

It is respectfully submitted that entry of this amendment will not require a new search or additional consideration, because the scope of the claims is not changed. Moreover, the amendment places the claims in better form for appeal, should the claims remain rejected.

Conclusion

In view of the foregoing amendments and remarks, applicants submit that the application, including claims 1-16, and 19-20, are in condition for allowance. An early and favorable response is earnestly requested.

Dated: February 14, 2008

Respectfully submitted,

/MJDeHaemerJr#39164/
Michael J. DeHaemer, Jr.
Reg. No. 39,164
Attorney for Applicants

LUCE, FORWARD,
HAMILTON & SCRIPPS, LLP
11988 El Camino Real, Suite 200
San Diego, California 92130
Tel: (858) 720-6300
Fax: (858) 720-6306